

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Sabaratnam SabanathanApplication No./Patent No.: 09/762,692 Filed/Issue Date: October 31, 2005Titled: OCCCLUSION DEVICE

Pulmonx, a Corporation  
 (Name of Assignee) (Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in  
 (The extent (by percentage) of its ownership interest is \_\_\_\_\_ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Sabaratnam Sabanathan & Bradford Hospital NHS Trust To: The Foundry, LLC

The document was recorded in the United States Patent and Trademark Office at

Reel 017255, Frame 0523, or for which a copy thereof is attached.

2. From: Sabaratnam Sabanathan & Bradford Hospital NHS Trust & The Foundry, LLC To: Emphasys Medical, Inc.

The document was recorded in the United States Patent and Trademark Office at

Reel 017255, Frame 0535, or for which a copy thereof is attached.

3. From: Emphasys Medical, Inc. To: Pulmonx

The document was recorded in the United States Patent and Trademark Office at

Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet (s).

- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/James M. Heslin/  
 Signature

June 22, 2009  
 Date

James M. Heslin, Reg. No. 29,541  
 Printed or Typed Name

Attorney of Record  
 Title

## **EXHIBIT D**

### **ASSIGNMENT OF PATENTS**

WHEREAS, Emphasys Medical, Inc., a Delaware corporation ("Debtor"), with its principal place of business located at 700 Chesapeake Dr., Redwood City, CA 94063, is the owner of the entire right, title and interest in and to the Patents and Patent Applications (as defined below);

WHEREAS, Debtor is indebted to Venture Lending & Leasing IV, Inc., a Maryland corporation, and Venture Lending & Leasing V, Inc., a Maryland corporation (collectively "Lenders"), which hold security interests in substantially all of Debtor's property, including the Patents and Patent Applications;

WHEREAS, Debtor is currently in default of its obligations to Lenders pursuant to the terms of a Loan and Security Agreement dated September 5, 2007 between Debtor and Lenders (as amended from time to time, and as supplemented by the Supplement to the Loan and Security Agreement between Debtor and Lenders dated as of September 5, 2007, the "Loan Agreement");

WHEREAS, Lenders are entitled to exercise their remedies under the Loan Agreement and applicable law, including a foreclosure sale of all or part of Lenders' collateral, with the proceeds of such sale to be applied to the indebtedness of Debtor to Lenders;

WHEREAS, Lenders have sold the Patents and Patent Applications to Pulmonx, a California corporation, with its principal place of business located at 1047 Elwell Court, Palo Alto, CA 94303 ("Purchaser"), pursuant to that certain Foreclosure Sale Agreement dated March 31, 2009 by and among Lenders, Purchaser and Debtor (the "Sale Agreement");

NOW, THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lenders, through a foreclosure sale, do hereby sell, assign, transfer and set over unto Purchaser, and its successors and assigns, Debtor's and Lenders' entire right, title and interest in and to all patents and patent applications owned by Debtor or in which Debtor has an interest, including without limitation those listed on Schedule A hereto; all continuations, divisionals, continuations-in-part, reissues, extensions, patents of addition, re-examinations or substitutions relating thereto; all foreign applications based thereon or claiming the benefit thereof; all United States and foreign patents issued on any of the foregoing; and all file histories and physical and electronic documentation, including without limitation all invention disclosures, prosecution papers, notes, drawings, reports, flow charts, instructions, manuals, notebooks and memoranda, that directly relate to such patents and patent applications (the foregoing, collectively, the "Patents and Patent Applications"), the same to be held and enjoyed by Purchaser for its own use and enjoyment, and for the use and enjoyment of its successors, assigns or other legal representatives, to the end of the term or terms for which said patents are or may be granted or reissued, as fully and entirely as the same would have been held and enjoyed by Debtor if this assignment and sale had not been made, together with all rights, credits, judgments, choses in action, rights of set-off and other claims of every type and nature of, for or arising from or

relating to past, present or future infringement or claims for royalties, and any and all other rights to enforce or protect any rights constituting or relating to any of the Patents and Patent Applications.

In addition, Lenders do hereby authorize and request competent authorities to issue any letters patent as shall be granted upon the foregoing patent applications to Purchaser and its successors and assigns.

*(The remainder of this page is intentionally left blank. The signature pages follow.)*

IN WITNESS WHEREOF, each Lender has caused this instrument to be executed by its duly authorized officer this 31st day of March, 2009.

LENDER:

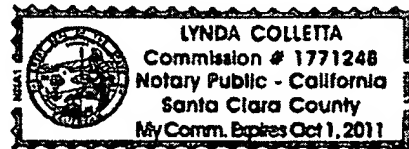
VENTURE LENDING & LEASING IV, INC.

By: [Signature]  
Name: Maurice Werdegar  
Title: President

State of California )  
County of Santa Clara ) ss

On this 31st day of March, 2009, before me appeared Maurice Werdegar, to me personally known who, being duly sworn, did depose and say that he is the President of Venture Lending & Leasing IV, Inc., named in and which executed the foregoing instrument, and that said instrument was signed on behalf of said entities and said President acknowledged said instrument to be the free and authorized act and deed of said entities.

[Signature]  
Notary Public  
My Commission Expires: October 1, 2011



IN WITNESS WHEREOF, each Lender has caused this instrument to be executed by its duly authorized officer this 31st day of March, 2009.

LENDER:

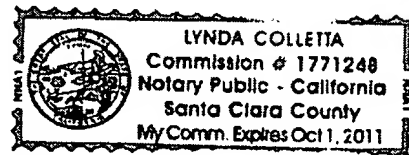
VENTURE LENDING & LEASING V, INC.

By: [Signature]  
Name: Maurice Werdegar  
Title: President

State of California)  
County of Santa Clara) ss

On this 31st day of March, 2009, before me appeared Maurice Werdegar, to me personally known who, being duly sworn, did depose and say that he is the President of Venture Lending & Leasing V, Inc., named in and which executed the foregoing instrument, and that said instrument was signed on behalf of said entities and said President acknowledged said instrument to be the free and authorized act and deed of said entities.

[Signature]  
Notary Public  
My Commission Expires: October 1, 2011



IN WITNESS WHEREOF, Debtor has caused this instrument to be executed by its duly authorized officer this 31st day of March, 2009.

DEBTOR:

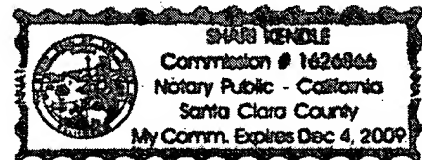
EMPHASYS MEDICAL, INC.

By: [Signature]  
Name: John G. McCutcheon  
Title: President & CEO

State of California )  
County of Santa Clara ) ss

On this 31st day of March, 2009, before me appeared John G. McCutcheon, to me personally known who, being duly sworn, did depose and say that he is the President & CEO of Emphasys Medical, Inc., named in and which executed the foregoing instrument, and that said instrument was signed on behalf of said entity and said John G. McCutcheon acknowledged said instrument to be the free and authorized act and deed of said entity.

[Signature]  
Notary Public  
My Commission Expires: 12/4/2009



## SCHEDULE A

### Issued United States Patents

No	U.S Patent	Inventor, Title	Date Filed	Date Issued
1	5,954,766	BODY FLUID FLOW CONTROL DEVICE	09/16/97	09/21/99
2	6,632,243	BODY FLUID FLOW CONTROL DEVICE	09/16/99	10/14/03
3	7,033,387	BODY FLUID FLOW CONTROL DEVICE	04/18/03	4/25/06
4	7,276,077	BODY FLUID FLOW CONTROL DEVICE	06/03/03	10/2/07
5	6,679,264	METHODS AND DEVICES FOR USE IN PERFORMING PULMONARY PROCEDURES	03/04/00	1/20/04
6	6,694,979	METHODS AND DEVICES FOR USE IN PERFORMING PULMONARY PROCEDURES	03/02/01	02/24/04
7	6,901,927	METHODS AND DEVICES FOR USE IN PERFORMING PULMONARY PROCEDURES	11/22/02	6/7/05
8	6,904,909	METHODS AND DEVICES FOR USE IN PERFORMING PULMONARY PROCEDURES	11/22/02	6/14/05
9	6,840,243	METHODS AND DEVICES FOR USE IN PERFORMING PULMONARY PROCEDURES	04/18/03	1/11/05
10	7,165,548	METHODS AND DEVICES FOR USE IN PERFORMING PULMONARY PROCEDURES	07/29/03	1/23/07
11	6,941,950	BRONCHIAL FLOW CONTROL DEVICES AND METHODS OF USE	10/10/02	9/13/05
12	7,412,977	METHODS AND DEVICES FOR INDUCING COLLAPSE IN LUNG REGIONS FED BY COLLATERAL PATHWAYS	03/06/03	8/19/08
13	7,011,094	BRONCHIAL FLOW CONTROL DEVICES AND METHODS OF USE	07/25/03	3/14/06
14	7,036,509	MULTIPLE SEAL PORT ANESTHESIA ADAPTER	12/04/03	5/2/06

### Pending United States Patent Applications

No	Application & Publication No	Inventor, Title	Date Filed
1	09/762,692	OCCCLUSION DEVICE	03/03/98

No	Application & Publication No	Inventor, Title	Date Filed
2	11/515,181 (2007-0005083)	OCCCLUSION DEVICE	09/01/06
3	11/395,396 (2006-0174870)	METHODS AND DEVICES FOR USE IN PERFORMING PULMONARY PROCEDURES	03/30/06
4	12/264,849	METHODS AND DEVICES FOR USE IN PERFORMING PULMONARY PROCEDURES	11/4/08
5	11/071,850 (2005-0145253)	BRONCHIAL FLOW CONTROL DEVICES AND METHODS OF USE	03/02/05
6	11/092,123 (2005-0166925)	BRONCHIAL FLOW CONTROL DEVICES AND METHODS OF USE	03/28/05
7	11/509,871 (2006-0283462)	METHODS AND DEVICES FOR INDUCING COLLAPSE IN LUNG REGIONS FED BY COLLATERAL PATHWAYS	08/25/06
8	11/696,627 (2008-0027343)	METHODS AND DEVICES FOR LUNG TREATMENT	4/4/07
9	12/133,326 (2008-0249503)	METHODS AND DEVICES FOR LUNG TREATMENT	06/04/08
10	10/448,019 (2004-0089306)	DEVICES AND METHODS FOR REMOVING BRONCHIAL ISOLATION DEVICES IMPLANTED IN THE LUNG	05/28/03
11	10/448,153 (2005-0066974)	MODIFICATION OF LUNG REGION FLOW DYNAMICS USING FLOW CONTROL DEVICES IMPLANTED IN BRONCHIAL WALL CHANNELS	05/28/03
12	11/289,979 (2006-0076023)	BRONCHIAL FLOW CONTROL DEVICES AND METHODS OF USE	11/29/05
13	10/275,995 (2003-0164168)	BRONCHIOPULMONARY OCCLUSION DEVICES AND LUNG VOLUME REDUCTION METHODS	04/07/03
14	10/627,941 (2004-0055606)	BRONCHIAL FLOW CONTROL DEVICES WITH MEMBRANE SEAL	07/25/03
15	10/887,337 (2005-0016530)	TREATMENT PLANNING WITH IMPLANTABLE BRONCHIAL ISOLATION DEVICES	07/08/04
16	10/723,273 (2004-0148035)	DELIVERY METHODS AND DEVICES FOR IMPLANTABLE BRONCHIAL ISOLATION DEVICES	11/25/2003
17	11/044,875 (2005-0178389)	DISEASE INDICATIONS FOR SELECTIVE ENDBRONCHIAL LUNG REGION ISOLATION	01/26/05
18	11/067,025 (2005-0196344)	METHODS AND DEVICES FOR BLOCKING FLOW THROUGH COLLATERAL PATHWAYS IN THE LUNG	02/25/05
19	11/075,633 (2006-0020347)	IMPLANTED BRONCHIAL ISOLATION DEVICES AND METHODS	03/08/05
20	11/186,293 (2006-0030863)	IMPLANTED BRONCHIAL ISOLATION DEVICE DELIVERY DEVICES AND METHODS	07/20/05
21	11/282,940 (2006-0107956)	BRONCHIAL FLOW CONTROL DEVICES AND METHODS OF USE	11/18/05
22	11/174,040 (2006-0004305)	DELIVERY METHODS AND DEVICES FOR IMPLANTABLE BRONCHIAL ISOLATION DEVICES	06/29/05



No	Application & Publication No	Inventor, Title	Date Filed
23	11/679,635 (2007-0203396)	ENDOSCOPIC TOOL	2/27/07
24	11/828,165	LUNG ISOLATION WHEN COLLATERAL PATHWAYS ARE PRESENT	07/25/07
25	11/844,700 (2008-0072914)	BRONCHIAL ISOLATION DEVICES FOR PLACEMENT IN SHORT LUMENS	08/24/07

#### Issued International Patents

No	Patent No	Inventor, Title	Country	Date Issued
1	GB2324729	Sabanathan, LUNG TREATMENT DEVICE	UK	1/2/2002
2	AU2001243416	METHODS AND DEVICES FOR USE IN PERFORMING PULMONARY PROCEDURES	Australia	5/1/06
3	JP3881242	METHODS AND DEVICES FOR USE IN PERFORMING PULMONARY PROCEDURES	Japan	11/17/06
4	AU2002347900	BRONCHIAL FLOW CONTROL DEVICES AND METHODS OF USE	Australia	11/22/05
5	CA2458595	BRONCHIAL FLOW CONTROL DEVICES AND METHODS OF USE	Canada	12/4/07
6	P60221139.5-08	BRONCHIAL FLOW CONTROL DEVICES AND METHODS OF USE	Germany	7/11/07
7	EP1434615	BRONCHIAL FLOW CONTROL DEVICES AND METHODS OF USE	EU	7/11/07
8	FR1434615	BRONCHIAL FLOW CONTROL DEVICES AND METHODS OF USE	France	7/11/07
9	GB1434615	BRONCHIAL FLOW CONTROL DEVICES AND METHODS OF USE	UK	7/11/07
10	AU2001260840	BRONCHIOPULMONARY OCCLUSION DEVICES AND LUNG VOLUME REDUCTION METHODS	Australia	7/27/05
11	JP3793090	BRONCHIOPULMONARY OCCLUSION DEVICES AND LUNG VOLUME REDUCTION METHODS	Japan	4/14/06
12	EP1524942	IMPLANTABLE BRONCHIAL ISOLATION DEVICES	EU	9/10/08
13	DE60323502 .6	BRONCHIAL FLOW CONTROL DEVICES WITH MEMBRANE SEAL	Germany	9/10/08
14	FR1524942	BRONCHIAL FLOW CONTROL DEVICES WITH MEMBRANE SEAL	FRANCE	9/10/08
15	GB1524942	BRONCHIAL FLOW CONTROL DEVICES WITH MEMBRANE SEAL	UK	9/10/08
16	IE1524942	BRONCHIAL FLOW CONTROL DEVICES WITH MEMBRANE SEAL	Ireland	9/10/08
17	IT1524942	BRONCHIAL FLOW CONTROL DEVICES WITH MEMBRANE SEAL	Italy	9/10/08

**Pending International Patent Applications**

No	Application & Publication No	Inventor, Title	Country	Date Filed
1	98944734.7 (1023007)	BODY FLUID FLOW CONTROL DEVICE	EU	09/04/98
2	2,401,331	METHODS AND DEVICES FOR USE IN PERFORMING PULMONARY PROCEDURES	Canada	03/02/2001
3	04102028.8 (1059057)	METHODS AND DEVICES FOR USE IN PERFORMING PULMONARY PROCEDURES	Hong Kong	3/2/01
4	01916386.4 (1359978)	METHODS AND DEVICES FOR USE IN PERFORMING PULMONARY PROCEDURES	EU	03/02/01
5	2003-534005 (2005-505355A)	BRONCHIAL FLOW CONTROL DEVICES AND METHODS OF USE	Japan	10/10/02
6	03734272.2 (1507491)	IMPLANTABLE BRONCHIAL ISOLATION DEVICES AND LUNG TREATMENT METHODS	EU	05/28/03
7	01934679 (1284663)	BRONCHIOPULMONARY OCCLUSION DEVICES AND LUNG VOLUME REDUCTION METHODS	EU	05/18/01
8	03102072.4	BRONCHIOPULMONARY OCCLUSION DEVICES AND LUNG VOLUME REDUCTION METHODS	Hong Kong	05/18/01
9	2,408,923	BRONCHIOPULMONARY OCCLUSION DEVICES AND LUNG VOLUME REDUCTION METHODS	Canada	05/18/01
10	2,487,405	IMPLANTABLE BRONCHIAL ISOLATION DEVICES	Canada	7/25/03
11	03790108.9 (1567086)	DELIVERY METHODS AND DEVICES FOR IMPLANTABLE BRONCHIAL ISOLATION DEVICES	EU	11/25/03
12	05725199.3 (1722716)	IMPLANTED BRONCHIAL ISOLATION DEVICES AND METHODS	EU	03/08/05
13	07101609.4 (1094938)	IMPLANTED BRONCHIAL ISOLATION DEVICES AND METHODS	Hong Kong	3/8/05
14	PCT/US07/018689 (WO 08/027293)	BRONCHIAL ISOLATION DEVICES FOR PLACEMENT IN SHORT LUMENS	PCT	08/24/07